REMARKS

In the outstanding Office Action mailed April 4, 2007 (hereinafter, "Office Action"), the Examiner objected to claims 2, 9[1], 15, and 20 as being dependent on a rejected base claim, but allowable if rewritten in independent form; rejected claims 8-12 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite; rejected claims 1 and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0264454 to Rajkumar et al (hereinafter, "*Rajkumar*") in view of U.S. Patent Publication No. 2002/0090024 to Tan (hereinafter, "*Tan*"); rejected claims 3, 4, and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Rajkumar* in view of *Tan* and U.S. Patent Publication No. 2002/0013926 to Kim et al. (hereinafter, "*Kim*"); rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Rajkumar* in view of *Tan* and U.S. Patent No. 6,490,461 to Müller (hereinafter, "*Müller*"); rejected claims 8, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Kim* in view of *Rajkumar* and *Tan*; rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Kim* in view of *Rajkumar*, *Tan*, and *Müller*; rejected claims 13 and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0041640 to Le Bars et al. (hereinafter, "*Le Bars*") in view of *Tan*; rejected claims 14, 16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Le Bars* in view of *Tan* and *Kim*; rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Kim* in view of *Le Bars* and *Tan*; and rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Kim* in view of *Le Bars*, *Tan*, and *Müller*.

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[1] Applicants acknowledge that the allowability of claim 9 is subject to overcoming the rejection thereof under 35 U.S.C. § 112.

As a preliminary matter, Applicants thank the Examiner for the indication that claims 2, 9, 15, and 20 are allowable.

By this amendment, Applicants have amended claims 1, 2, 8, 9, 13, 15, 18, and 20, and canceled claims 4, 10, and 16 without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1-3, 5-9, 11-15, and 17-21 remain pending.

In light of the foregoing amendments and based on the arguments presented below, Applicants respectfully traverse the rejection of claims under 35 U.S.C. §§ 112, ¶ 2, and 103(a), and request allowance of pending claims 1-3, 5-9, 11-15, and 17-21.

I. Specification

By the foregoing amendment, Applicant has amended the specification at paragraphs 032 and 045 to correct for inadvertent typographical errors.

II. Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Office Action, page 2. Claims 9-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being dependent on claim 8. *Id.* In response, Applicants have amended claim 8 to recite, "transmitting the encoded information bits with the negotiated number between the base station and the mobile unit." Support for this amendment can be found in the specification at, for example, Figure 3 and paragraph 044.

In light of the foregoing amendment, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8-12 under 35 U.S.C. § 112, second paragraph.

III. Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections of claim 1, 3, 5-8, 11-14, 17-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over the cited art because a *prima facie* case of obviousness has not been established.

> To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See M.P.E.P.* § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, the cited references, taken alone or in combination, do not teach or suggest each and every feature of Applicants' claims. For at least this reason, Applicants respectfully submit that claims 1, 3, 5-8, 11-14, 17-19, and 21 are allowable over the cited art.

A. Claims 1, 3, 5-7, 8, and 11-12

Applicants respectfully submit that claims 1, 3, 5-7, 8, and 11-12 are allowable because neither *Rajmukar*, nor *Tan*, nor *Kim*, nor *Müller*, taken alone or in any combination, teach or suggest, *inter alia*, "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 1, and similarly recited in independent claim 8, from which claims 3, 5-7 and 11-12 respectively depend.

i. ***Rajkumar***

Rajkumar discloses a "method and equipment [ ] used to transmit and/or receive time delay-intolerant information over a communication system." *Rajkumar*, Abstract. In *Rajkumar*, "[a]ggregate packet size is determined from negotiations with a corresponding receiver equipment and user service requirements." *Id.* at ¶ 0030. The aggregate packet size can be determined statically or dynamically or both at different times." *Id.*

While the Office Action states at page 3 that "[t]he aggregated packet is interpreted as claimed information bits," Applicants respectfully disagree with this interpretation. Although the Examiner is entitled to interpret the claims terms broadly, such interpretation cannot be unreasonable. Indeed, *M.P.E.P.* § 2111 indicates that "pending claims must be given their broadest reasonable interpretation consistent with the specification." While the Examiner may not be required to "interpret claims in applications in the same manner as a court would interpret claims in an infringement suit," the Examiner is required to apply "to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." *M.P.E.P.* § 2111. Accordingly, the broadest reasonable interpretation of "negotiating a number of information bits included in a packet between the base station and the mobile unit," as recited in the pending claims, must be consistent with the interpretation of the phrase that those skilled in the art would reach. *See Id.*

Specifically, *Rajkumar* clearly states that the aggregate packet is a combination of a number of other packets, and it is the size of this combination of packets which is negotiated. According to *Rajkumar*, "[a] plurality of packets representing time delay-intolerant information is combined to form an aggregate packet." *Rajkumar,* ¶ 0018 (emphasis added). "The size of the aggregated packet is based on a negotiation between the transmitting equipment and receiving equipment." *Id* (emphasis added).

More particularly, at paragraph [0025] *Rajkumar* explains that "[t]he aggregator further contains processing circuitry that negotiates with a receiving node regarding the aggregation factor. The aggregation factor is the number of packets used to form the aggregated packet, i.e., represented by the integer N." *Rajkumar*, ¶ 0025 (emphasis added). At paragraph [0028] *Rajkumar* further explains that "[a]ny equipment . . . that can transmit aggregated packets will have the capability to negotiate with other equipment for the determination of parameter N." *Id.* at ¶ 0028.

Here, the Examiner incorrectly asserts "[t]he aggregated packet is interpreted as claimed information bits." Office Action, page 3. This assertion is not consistent with the clear disclosure of *Rajkumar* nor the clear meaning of Applicants' claim language. *Rajkumar* discloses negotiating the number of packets in the aggregated packet, not the "number of information bits included in a packet," as required by Applicants' claim. Ignoring reasonable interpretations of claim terms, in the context of not only the specification but also the known meaning in the art, violates at least the policies governed by the *M.P.E.P.* and fails to support the rejection of claims in view of the cited art. Thus, *Rajkumar* fails to disclose or suggest "negotiating a number of information bits included in a packet between the base station and the mobile unit," as recited in amended claim 1.

Additionally, *Rajkumar* fails to disclose or suggest "wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 1. Indeed, the Examiner acknowledges this failure of *Rajkumar*, stating in the rejection of claim 4, which depends from independent claim 1, that "Rajkumar . . . fail[s] to explicitly disclose the transport format combination index (TFCI) encoded information bits." Office Action, page 6.

Thus, for at least these reasons, Applicants submit that *Rajkumar* fails to teach or suggest all the elements of Applicants' amended independent claim 1. Independent claim 1 is therefore allowable over *Rajkumar*. In addition, claims 3 and 5-7 are allowable due at least to their direct or indirect dependence upon allowable independent claim 1.

Amended claim 8, while of different scope, recites limitations similar to those recited in amended independent claim 1. For example, claim 8 recites "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits." Claim 8 is therefore allowable over *Rajkumar* for reasons discussed above in regard to amended claim 1. In addition, claims 10-12 are allowable due at least to their direct or indirect dependence upon allowable independent claim 8.

ii. *Tan*

Tan discloses a system in which "[t]he performance of code division multiple access (CDMA) technology is enhanced through the use of a new class of non-linear block codes during CDMA signal coding (and decoding)." *Tan*, ¶ 0034.

Tan does not cure the deficiencies set forth above and the failure of *Rajkumar* to disclose or suggest, *inter alia*, "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 1.

Indeed, the Examiner does not rely on *Tan* for teaching "negotiating a number of information bits included in a packet between the base station and the mobile unit," as recited in independent claim 1. Moreover, the Examiner acknowledges that *Tan* fails to disclose "wherein the information bits are transport format combination index (TFCI) information bits." Specifically, the Examiner states in the rejection of claim 4, which depends from independent claim 1, that "Rajkumar and Tan . . . fail to explicitly disclose the transport format combination index (TFCI) encoded information bits." Office Action, page 6.

Thus, for at least these reasons, Applicants submit that neither *Rajkumar*, nor *Tan,* nor any combination thereof, teach or suggest all the elements of Applicants' amended independent claim 1. Independent claim 1 is therefore allowable over *Rajkumar* and *Tan*. In addition, claims 3 and 5-7 are allowable due at least to their direct or indirect dependence upon allowable independent claim 1.

Amended claim 8, while of different scope, recites limitations similar to those recited in amended claim 1. For example, claim 8 recites "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits." Claim 8 is therefore allowable over *Rajkumar* and *Tan* for reasons discussed above in regard to amended claim 1. In addition, claims 10-12 are allowable due at least to their direct or indirect dependence upon allowable independent claim 8.

iii. *Kim*

Kim discloses "an apparatus and method for a TFCI (Transport Format Combination Indicator) code generator in a CDMA mobile communication system . . . ." *Kim*, ¶ 0003. The Office Action alleges that "Kim shows communication method between a base station and a mobile unit (Paragraph [0007]) comprising: - a transport format combination index (TFCI) encoded information bits transmitted between the base station and the mobile unit (Paragraph [0003])." Office Action, page 6.

The Office Action attempts to use the *Kim* reference to overcome the deficiencies of *Rajkumar* and *Tan*. However, *Kim* does not cure the deficiencies set forth above and the failure of *Rajkumar* and *Tan* to disclose or suggest, *inter alia*, "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 1.

The Examiner asserts that the *Rajkumar* and *Tan* references can be combined with the *Kim* reference to disclose the recitations of amended independent claim 1. However, referring to the paragraph cited by the Examiner, *Kim* discloses that "the TFCI bits are encoded to a code of length 48 before transmission." *Kim*, ¶ 0007. That is, *Kim* appears to teach that the TFCI bits are encoded to a code of a predetermined, static length. Thus, the combination of *Rajkumar*, *Tan*, and *Kim* would only result in the aggregation of packets, wherein the TFCI bits are encoded to a code of fixed length, and where the number of packets in an aggregation of packets has been negotiated. It would not result in "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 1.

In addition to the failure of *Rajkumar*, *Tan*, and *Kim* to teach or suggest all the claim limitations, either alone or in combination, there is no motivation to combine the references. As discussed above, *Rajkumar* negotiates a number of packets to be sent between nodes in a communication system, and there is no suggestion or teaching within *Rajkumar* to negotiate a number of bits within the packets, let alone "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits," as recited in Applicants' amended independent claim 1.

Moreover, the Office Action's stated motivation is neither suggested by the references themselves nor in the knowledge generally available to one of ordinary skill in the art. The Office Action's assertion, at page 6, that "it would have been obvious to a person of ordinary skill in the art to use Kim's method which utilizes TFCI bits because it minimizes frame error rate of the error correction encoder" has no bearing on the combination of *Rajkumar*, *Tan*, and *Kim*. Indeed, the stated motivation is nothing more than a declaration that TFCI bits exist and that they may be used to minimize frame error rate.

Thus, for at least these reasons, Applicants submit that neither *Rajkumar*, nor *Tan,* nor *Kim*, nor any combination thereof, teach or suggest all the elements of Applicants' amended independent claim 1. Independent claim 1 is therefore allowable over *Rajkumar*, *Tan*, and *Kim*. In addition, claims 3 and 5-7 are allowable due at least to their direct or indirect dependence upon allowable independent claim 1.

Amended claim 8, while of different scope, recites limitations similar to those recited in amended claim 1. For example, claim 8 recites "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits." Claim 8 is therefore allowable over *Rajkumar*, *Tan*, and *Kim* for the reasons discussed above in regard to amended claim 1. In addition, claims 10-12 are allowable due at least to their direct or indirect dependence upon allowable independent claim 8.

iv. ***Müller***

Müller discloses a system "in which mobile station power control is affected by a functional combination of signal-to-interference sampling, bit error rate sampling, and frame error rate sample." *Müller*, Abstract.

Müller does not cure the deficiencies set forth above and the failure of *Rajkumar*, *Tan,* and *Kim,* to disclose or suggest, *inter alia*, "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 1. Indeed, the Office Action does not rely on

Müller for this teaching. Instead, the Office Action relies on *Müller* to "show[] communication between a base station and mobile station as a WCDMA implementation . . . ." Office Action, page 7.

Thus, for at least this reason, Applicants submit that neither *Rajkumar*, nor *Tan,* nor *Kim*, nor *Müller*, nor any combination thereof, teach or suggest all the elements of Applicants' amended independent claim 1. Independent claim 1 is therefore allowable over *Rajkumar*, *Tan*, *Kim*, and *Müller.* In addition, claims 3 and 5-7 are allowable due at least to their direct or indirect dependence upon allowable amended independent claim 1.

Amended claim 8, while of different scope, recites limitations similar to those recited in amended claim 1. For example, claim 8 recites "negotiating a number of information bits included in a packet between the base station and the mobile unit, wherein the information bits are transport format combination index (TFCI) information bits." Claim 8 is therefore allowable over *Rajkumar*, *Tan*, *Kim*, and *Müller* for reasons discussed above in regard to amended claim 1. In addition, claims 10-12 are allowable due at least to their direct or indirect dependence upon allowable independent claim 8.

B. Claims 13, 14, 17, and 18

Applicants respectfully submit that claims 13, 14, 17, and 18 are allowable because neither *Le Bars*, nor *Tan*, nor *Kim*, taken alone or in combination, teach or suggest, *inter alia*, "wherein a number of information bits included in a packet is negotiated between the base station and the mobile unit, and wherein the information bits are transport format combination index (TFCI) information bits," as recited in independent claim 13, from which claims 14, 17, and 18 depend.

i. *Le Bars*

Le Bars fails to teach this recitation. Instead, *Le Bars* discloses "a method and device for evaluating the noise associated with turbocodes . . . ." *Le Bars*, ¶ 0001. *Le Bars* states that "[d]ifferent techniques are known for effecting a statistical evaluation of the noise." *Le Bars*, ¶ 0011. According to *Le Bars*, "[the disclosed] technique is known notably in the field of modems, where it is used for obtaining a negotiation of the bit rate per symbol as a function of the state of the channel." *Id.* at ¶ 0016 (emphasis added).

While, at page 12 of the Office Action, the Examiner alleges that "negotiated of the bit rate per symbol is performed which inherently indicates the size of the symbol and thus is interpreted as claimed negotiation," this is incorrect. Even if the size of the symbol was equivalent to Applicants' information bits, which Applicants do not concede, negotiation of a bit rate per symbol will only result in a change of the rate of transmission and would not affect the size of the transmission, as the Examiner appears to assert.

Moreover, Applicants remind the Examiner that the Office Action must provide rationale or evidence tending to show inherency. *M.P.E.P.* § 2112. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson* (citation omitted). As stated above, *Le Bars* does not disclose the invention as claimed. In addition, the Office Action has not provided any rationale or evidence tending to show inherency. Finally, even if it is possible that *Le Bars* might negotiate a bit rate, it does not necessarily follow that the size of the symbol is negotiated, and therefore such a teaching is not inherent in *Le Bars*.

For at least the reasons stated above, Applicants submit that neither *Le Bars*, nor any obvious variant thereof, teaches or suggests all the elements of Applicants' amended independent claim 13. Independent claim 13 is therefore allowable over *Le Bars*. In addition, claims 14, 17, and 18 are allowable due at least to their dependence on allowable amended independent claim 13.

ii. *Tan*

As discussed above in connection with amended independent claim 1, *Tan* discloses a system in which "[t]he performance of code division multiple access (CDMA) technology is enhanced through the use of a new class of non-linear block codes during CDMA signal coding (and decoding)." *Tan*, ¶ 0034.

Tan does not cure the deficiencies set forth above and the failure of *Le Bars* to disclose or suggest, *inter alia*, "wherein a number of information bits included in a packet is negotiated between the base station and the mobile unit, and wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 13. Indeed, the Examiner acknowledges this failure of *Tan*, stating in the rejection of claim 16, which depends from independent claim 13, that "Le Bars and Tan . . . fail to explicitly disclose the transport format combination index (TFCI) encoded information bits." Office Action, page 14.

Thus, for at least this reason, Applicants submit that neither *Le Bars*, nor *Tan*, nor any combination thereof, teach or suggest all the elements of Applicants' amended independent claim 13. Independent claim 13 is therefore allowable over *Le Bars* and *Tan*. In addition, claims 14, 17, and 18 are allowable due at least to their dependence on allowable amended independent claim 13.

iii. *Kim*

As discussed above in connection with amended independent claim 1, *Kim* discloses "an apparatus and method for a TFCI (Transport Format Combination Indicator) code generator in a CDMA mobile communication system . . . ." *Kim*, ¶ 0003.

Kim however does not cure the deficiencies set forth above and the failure of *Le Bars* and *Tan* to disclose or suggest, *inter alia*, "wherein a number of information bits included in a packet is negotiated between the base station and the mobile unit, and wherein the information bits are transport format combination index (TFCI) information bits," as recited in amended independent claim 13. Instead, *Kim* discloses that "the TFCI bits are encoded to a code of length 48 before transmission." Kim, ¶ 0007.

Thus, for at least this reason, Applicants submit that neither *Le Bars*, nor *Tan*, nor *Kim*, nor any combination thereof, teach or suggest all the elements of Applicants' amended independent claim 13. Independent claim 13 is therefore allowable over *Le Bars, Tan,* and *Kim*. In addition, claims 14, 17, and 18 are allowable due at least to their dependence on allowable amended independent claim 13.

D. Claims 19 and 21

Applicants respectfully submit that claims 19 and 21 are allowable because neither *Kim*, nor *Le Bars*, nor *Tan*, nor *Müller*, taken alone or in any combination, teach or suggest, *inter alia*, "a transport format combination index (TFCI) size negotiated for the encoded information bits for transmission between the base station and the mobile unit," as recited in independent claim 19.

i. *Kim*

As discussed above in connection with amended independent claim 1, *Kim* discloses "an apparatus and method for a TFCI (Transport Format Combination Indicator) code generator in a CDMA mobile communication system . . . ." *Kim*, ¶ 0003.

Kim however does not disclose or suggest, *inter alia*, "a transport format combination index (TFCI) size negotiated for the encoded information bits for transmission between the base station and the mobile unit," as recited in independent claim 19. Instead, *Kim* discloses that "the TFCI bits are encoded to a code of length 48 before transmission." Kim, ¶ 0007. Indeed, the Office Action acknowledges this failure of Kim, stating that "Kim also fails to mention the negotiation of size step . . . ." Office Action, page 16.

Thus, for at least this reason, Applicants submit that neither *Kim*, nor any obvious variant thereof, teaches or suggests all the elements of Applicants' independent claim 19. Independent claim 19 is therefore allowable over *Kim*. In addition, claim 21 is allowable due at least to its dependence on allowable independent claim 19.

ii. *Le Bars*

Le Bars does not cure the deficiencies set forth above and the failure of *Kim* to disclose or suggest, *inter alia*, "a transport format combination index (TFCI) size negotiated for the encoded information bits for transmission between the base station and the mobile unit," as recited in independent claim 19.

Instead, *Le Bars* states that "[d]ifferent techniques are known for effecting a statistical evaluation of the noise." *Le Bars* at ¶ 0011. According to *Le Bars,* "[the disclosed] technique is known notably in the field of modems, where it is used for obtaining a negotiation of the bit rate per symbol as a function of the state of the channel." *Id.* at ¶ 0016 (emphasis added).

The Examiner's allegation at page 12 of the Office Action that "negotiated of the bit rate per symbol is performed which inherently indicates the size of the symbol and thus is interpreted as claimed negotiation" is incorrect. Even if the size of the symbol were equivalent to Applicants' information bits, which Applicants do not concede, negotiation of a bit rate per symbol may only result in a change of the rate of transmission and would not result in difference in the size of the transmission, as the Examiner appears to assert.

Thus, for at least this reason, Applicants submit that neither *Kim*, nor *Le Bars*, nor any combination thereof, teach or suggest all the elements of Applicants' independent claim 19. Independent claim 19 is therefore allowable over *Kim* and *Le Bars*. In addition, claim 21 is allowable due at least to its dependence on allowable independent claim 19.

iii. *Tan*

Tan also fails to cure the deficiencies set forth above and the failure of *Kim* and *Le Bars* to disclose or suggest, *inter alia*, "a transport format combination index (TFCI) size negotiated for the encoded information bits for transmission between the base station and the mobile unit," as recited in independent claim 19. Indeed, the Examiner acknowledges this failure of *Tan*, stating in the Office Action that "Tan . . . fail[s] to explicitly disclose the transport format combination index (TFCI) encoded information bits." Office Action, pages 6 and 14.

Thus, for at least this reason, Applicants submit that neither *Kim*, nor *Le Bars*, nor *Tan*, nor any combination thereof, teach or suggest all the elements of Applicants' independent claim 19. Independent claim 19 is therefore allowable over *Kim*, *Le Bars* and *Tan*. In addition, claim 21 is allowable due at least to its dependence on allowable independent claim 19.

iv. *Müller*

In addition, *Müller* fails to cure the deficiencies set forth above and the failure of *Kim*, *Le Bars*, and *Tan,* to disclose or suggest, *inter alia*, "a transport format combination index (TFCI) size negotiated for the encoded information bits for transmission between the base station and the mobile unit," as recited in independent claim 19. Indeed, the Office Action does not rely on Müller for this teaching. Instead, the Office Action relies on Müller to "show[] communication between a base station and mobile station as a WCDMA implementation . . . ." Office Action, page 17.

Thus, for at least this reason, Applicants submit that neither *Kim*, nor *Le Bars,* nor *Tan*, nor *Müller*, nor any combination thereof, teach or suggest all the elements of Applicants' independent claim 19. Independent claim 19 is therefore allowable over *Kim*, *Le Bars*, *Tan*, and *Müller*. In addition, claim 21 is allowable due at least its dependence on allowable independent claim 19.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: September 4, 2007

By:____________________
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